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JFW**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: W. ITO, et al.

Serial No.: 09/933,164

Filed: August 21, 2001

For: OBJECT DETECTING METHOD AND OBJECT DETECTING
APPARATUS AND INTRUDING OBJECT MONITORING
APPARATUS EMPLOYING THE OBJECT DETECTING
METHOD

Group: 2625

Examiner: B. Choobin

**PETITION TO WITHDRAW TERMINAL DISCLAIMER
BEFORE ISSUANCE OF THE PATENT UNDER 37 CFR 1.182****MS Petition**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 10, 2006

Sir:

Applicants hereby petition to withdrawn the Terminal Disclaimer filed on November 28, 2005 before issuance of the patent based on the present application.

Facts

In the Office Action of July 27, 2005 claim 36 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of co-pending application No. 10/387,433, filed on March 14, 2003. All other pending claims were allowed. To overcome the provisional double patenting rejection applicants submitted a Terminal Disclaimer on November 28, 2005.

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However, subsequent to filing the Terminal Disclaimer Applicants' Attorney was contacted by Examiner Choobin who requested that Applicants cancel claim 36. Applicants agreed to the cancellation of claim 36. During the interview with Applicants' Attorney discussing the cancellation of claim 36 Examiner Choobin noted that "in view of canceling claim 36, the terminal disclaimer filed on 11/28/2005 was improperly entered" and that "upon receiving an official request from the applicant the entry of the terminal disclaimer will be reversed."

Points to be Reviewed

As agreed by Examiner Choobin and in accordance with MEPE 1490, the Terminal Disclaimer filed on November 28, 2005 is no longer needed and as such is "improperly entered." As per MPEP 1490 a recorded Terminal Disclaimer can be nullified upon request by Applicants. Nullification is proper in the present situation since claim 36 was canceled causing the Terminal Disclaimer to be no longer necessary.

Relief Requested

Applicants hereby request that the Terminal Disclaimer be withdrawn and further request that the Examiner return the same or remove it from the file.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.40539X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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